

HOUSE COMMITTEE ON
JUDICIARY

Hearing Room
Tapes - 32

MEMBERS PRESENT:

Rep. Del Parks, Chair
Rep. Kate Brown, Vice-Chair
Rep. Chuck Carpenter
Rep. Peter Courtney
Rep. Jerry Grisham
Rep. Bryan Johnston
Rep. Leslie Lewis
Rep. Lisa Naito
Rep. Floyd Prozanski
Rep. Eileen Qutub
Rep. Veral Tarno
Rep. Bob Tiernan

STAFF PRESENT:

Holly Robinson, Committee Counsel
Milt Jones, Committee Counsel
Aaron Felton, Committee Counsel
Janet Ellingsworth, Committee Assistant

MEASURES HEARD:

Work session on HB 2585
Work session on SB 79 A
Work session on SB 120
Work session on SB 213 A
Work session on SB 214 A
Work session on SB 218 A
Work session on SB 343 A
Work session on SB 373 A
Work session on SB 422
Work session on SB 434
Work session on SB 429 A
Work session on SB 504 A
Work session on SB 736

These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in quotation marks
report a speaker's exact words. For complete contents of the proceedings,
please refer to the tapes.

TAPE , A

004 CHAIR PARKS: convenes meeting at 8:33 A.M. We are going to make an
amendment to the committee rules. [EXHIBIT A]

008 CHAIR PARKS: Hearing no objections they will be adopted.

110 REP. GRISHAM: I object.

111 CHAIR PARKS: We will go on to something else.

OPENS the WORK SESSION on HB 2585

018 JONES: Brief overview of HB 2585. [EXHIBIT B]

022 CHAIR PARKS: It's opposed by the Supreme Court, Chief Justice. I
would make the amendment to change it to age 75.

027 REP. JOHNSTON: I've heard this bill. I would be supportive of this
bill in it's original form and if you want to move it to age 75, I would
not oppose that.

032 CHAIR PARKS: This is a hard thing when your talking about 20 miles
from the courthouse in Multnomah county is not very far.

041 REP. JOHNSTON: I would look to Sheriff Tarno.

043 MOTION: REP. TARNO: Moves the -1 amendments to HB 2585.

046 REP. COURTNEY: I won't be supporting this bill, I am a strong
believer in the court system.

064 REP. NAITO: He's not the only no vote. I have found the jury system
is willing to let people off if they are really unable to serve for some
compelling reasons in all cases, so I don't think we need a blanket
exception for people of a certain age.

071 CHAIR PARKS: The motion CARRIES.

074 MOTION: REP. TARNO: Moves HB 2585 as amended to the Floor with a do pass recommendation.

076 VOTE: In a roll call vote REPS. BROWN, JOHNSTON, TARNO and PARKS vote AYE. REPS. CARPENTER, COURTNEY, GRISHAM, LEWIS, NAITO, PROZANSKI and QUTUB vote NAY.

080 CHAIR PARKS: The motion FAILS.

CLOSES the WORK SESSION on HB 2585
RE-OPENS DISCUSSION on COMMITTEE RULES

088 CHAIR PARKS: We will return to the consideration of the amendments in regard to the committee rules. There was an objection to the amendment, Rep. Grisham, do you wish to address your objection?

089 REP. GRISHAM: Yes, when the system is moving faster and a time where it's impossible to put amendments in on the Floor and in a committee system that is controlled by a Chair, I suspect we're moving in the wrong direction by limiting access to the bills. Therefore I will vote no and I will encourage everyone else to do the same.

092 REP. NAITO: Member's would still be able to bring amendments or not?

094 CHAIR PARKS: Technical amendments and amendments that are germane to the issue, what I am trying to prevent is putting in whole new concepts to a bill.

096 REP. QUTUB: If you were replacing a bill with the original bill and getting rid of the amendments, that would be OK?

099 CHAIR PARKS: That would be a permissible amendment.

104 REP. COURTNEY: Are you sure you want to do this?

106 CHAIR PARKS: Senator Bryant asked me to do this. I don't want to spend a lot of time in conference committees.

108 REP. QUTUB: So your basically saying that when we're "gutting" and "stuffing" in a sense.

110 CHAIR PARKS: Or we are putting something on it that does not have anything to do with what the bills about. You still can do that, but you must provide 24 hours notice so everyone on the committee knows what's going on. We will take a roll call vote on the amendments to the committee rules.

120 VOTE: In a roll call vote REPS. BROWN, CARPENTER, COURTNEY, LEWIS, NAITO, PROZANSKI, QUTUB, TARNO and PARKS vote AYE. REP. GRISHAM votes NAY. REP. TIERNAN is EXCUSED. JOHNSTON,

130 CHAIR PARKS: The motion CARRIES. The rule is ADOPTED.

OPENS the WORK SESSION on SB 79 A

134 MOTION: REP. BROWN: Moves SB 79 A to the floor with a do pass recommendation.

140 CHAIR PARKS: I took the time to have an education session and find out what the issue is and I think it's the right amendment.

143 VOTE: In a roll call vote all members present vote AYE. REP. TIERNAN is EXCUSED.

146 CHAIR PARKS: The motion CARRIES.

150 REP. BROWN will lead discussion on the Floor.

CLOSES the WORK SESSION on SB 79 A
OPENS the WORK SESSION on SB 120

149 JONES: Gives brief overview of SB 120.

167 MOTION: REP. BROWN: Moves SB 120 to the Floor with a do pass recommendation.

169 VOTE: In a roll call vote all members present vote AYE. REP. TIERNAN is EXCUSED.

173 CHAIR PARKS: The motion CARRIES.

180 REP. QUTUB will lead discussion on the Floor.

CLOSES the WORK SESSION on SB 120
OPENS the WORK SESSION on SB 213 A

172 JONES: Gives brief overview of SB 213 A. [EXHIBITS C, D, E]

183 REP. BROWN: Overview of -A5 amendments. [EXHIBIT D]

203 REP. NAITO: In that case his attorney failed to file the appropriate response within the cut off time period.

211 CHAIR PARKS: Section 2 requires if a party refuses to comply with a blood test order, they lose, but they have to comply with section 1.

220 REP. NAITO: The paternity case was this year.

229 REP. BROWN: This is the issue we addressed yesterday with presumptive and conclusive presumptions, and there needs to be an amendment to the -A5 amendments.

234 REP. JOHNSTON: I don't understand, what's the triggering mechanism, when does someone get to contest?

240 REP. BROWN: If it's less than one year after establishment of paternity has been docketed and there was no genetic testing done.

247 REP. JOHNSTON: So we have a couple who are married and have three children then they divorce, the dad can't deny paternity of any of the kids.

250 REP. BROWN: This does not apply, the parties are married and there is a conclusive presumption.

253 MOTION: REP. BROWN: Moves the -5 amendments to SB 213 A with a conceptual amendment to lines 16 and 17.

273 CHAIR PARKS: The motion CARRIES.

275 MOTION: REP. BROWN: Moves the -6 amendments to SB 213.

278 REP. BROWN: Explains the -6 amendments. [EXHIBIT E]

283 JONES: It does establish a grievance procedure in a 90 day period, but it's not clear what happens after 90 days.

286 REP. BROWN: I think it means they lose their "window of opportunity".

292 MAUREEN MCKNIGHT, OREGON LEGAL SERVICES: This amendment requires the agency to have rules, as you have said the grievance procedure is already in existence.

296 CHAIR PARKS: The motion CARRIES.

302 MOTION: REP. BROWN: Moves SB 213 as amended to the Floor with a do pass recommendation.

303 VOTE: In a roll call vote all members present vote AYE. REP. TIERNAN is EXCUSED.

311 CHAIR PARKS: The motion CARRIES.

313 REP. BROWN will lead discussion on the Floor.

CLOSES the WORK SESSION on SB 213 A
OPENS the WORK SESSION on SB 214 A

316 JONES: Brief overview of SB 214 A.

321 MOTION: REP. NAITO : Moves SB 214 A as amended to the Floor with do pass recommendation.

330 VOTE: In a roll call vote all members present vote AYE. REP. TIERNAN is EXCUSED.

336 CHAIR PARKS: The motion CARRIES.

338 REP. NAITO will lead discussion on the Floor.

CLOSES the WORK SESSION on SB 214 A
OPENS the WORK SESSION on SB 218 A

341 JONES: Gives brief overview of SB 218 A. [EXHIBIT F]

346 MOTION: REP. BROWN: Moves the -A4 amendments to SB 218 A.

349 REP. NAITO: We talked about setting the floor for everyone, not just obligations due to support enforcement.

352 JONES: Yes, those are part of the -4 amendments.

355 CHAIR PARKS: The motion CARRIES.

359 MOTION: REP. BROWN: Moves SB 218 A as amended with a do pass recommendation.

363 VOTE: In a roll call vote all members present vote AYE. REP. TIERNAN is EXCUSED.

372 CHAIR PARKS: The motion CARRIES.

374 REP. NAITO will lead discussion on the Floor.

CLOSES the WORK SESSION on SB 218 A
OPENS the WORK SESSION on SB 343 A

379 FELTON: Gives brief overview of SB 343 A. [EXHIBIT H]

383 REP. BROWN: Submits and discusses the -1 amendments to SB 343 A.
[EXHIBIT G]

394 MOTION: REP. BROWN: Moves the -1 amendments as amended to include
section 7 to SB 343 A. onl

402 CHAIR PARKS: When you say the only thing relevant to this bill is all
the rest of the printed amendment, the amendment the committee adopted?

404 REP. BROWN: I believe so.

403 CHAIR PARKS: She wants to add section 7.

404 REP. BROWN: All I want it section 7.

409 FELTON: It is different, we adopted the -7 amendments, but the -1
amendments were not adopted by the committee so I don't believe they have
been integrated into the bill.

412 CHAIR PARKS: This is a major amendment so we will put this over until
Friday, May 12.

422 REP. BROWN: Section 7 specifically applies only to arousal container's
of paint.

426 REP. JOHNSTON: Are you saying you only want section 7 from this
amendment?

430 REP. BROWN: Yes.

433 REP. JOHNSTON: So, sections 1 through 6 should be ignored.

435 CHAIR PARKS: We will consider this bill and the amendments on Friday.

CLOSES the WORK SESSION on SB 343
OPENS the WORK SESSION on SB 373 A

442 JONES: Gives brief overview of SB 373 A. [EXHIBIT I]

444 MOTION: REP. BROWN: Moves SB 373 A as amended to the Floor with a
do pass recommendation.

446 VOTE: In a roll call vote all members present vote AYE. REP. TIERNAN
is EXCUSED.

448 CHAIR PARKS: The motion CARRIES.

449 REP. LEWIS will lead discussion on the Floor.

TAPE 32, A

CLOSES the WORK SESSION on SB 373 A
OPENS the WORK SESSION on SB 422

030 JONES: Gives brief overview of SB 422.

032 MOTION: REP. BROWN: Moves SB 422 to the Floor with a do pass
recommendation.

040 VOTE: In a roll call vote all members present vote AYE. REP. TIERNAN
is EXCUSED.

046 CHAIR PARKS: The motion CARRIES.

048 REP. QUTUB will lead discussion on the Floor.

CLOSES the WORK SESSION on SB 422
OPENS the WORK SESSION on SB 424

048 JONES: Gives brief overview of SB 424. [EXHIBIT J]

050 MOTION: REP. BROWN: Moves SB 424 as amended to the Floor with do
pass recommendation.

051 VOTE: In a roll call vote all members present vote AYE. REP. TIERNAN
is EXCUSED.

054 CHAIR PARKS: The motion CARRIES.

056 REP. QUTUB will lead discussion on the Floor.

CLOSES the WORK SESSION on SB 424
OPENS the WORK SESSION on SB 429 A

057 ROBINSON: Gives brief overview of SB 429 A. [EXHIBIT K]

059 MOTION: REP. TARNO: Moves the -2 amendments to SB 429 A.

061 CHAIR PARKS: The motion CARRIES.

061 MOTION: REP. TARNO: Moves SB 429 as amended with a do pass recommendation.

063 REP. PROZANSKI: We had discussions during the subcommittee about what the intent of the legislature was when it was enacted the sentencing guideline recommendations from the board that was established to direct those and bring them back to the legislature.

081 REP. LEWIS: We had testimony from Marion County District Attorney , Dale Penn. It is common practice to use persistent involvement to use "upward departures".

105 VOTE: In a roll call vote all members are present and vote AYE.

110 CHAIR PARKS: The motion CARRIES.

113 REP. PROZANSKI will lead discussion on the Floor.

CLOSES the WORK SESSION on SB 429 A
OPENS the WORK SESSION on SB 504

117 FELTON: Gives brief overview of SB 504.

119 REP. NAITO: I'd like to ask the subcommittee "what is the need for the stop and frisk authority?

130 REP. PROZANSKI: Security guards now have the ability to arrest somebody for probable cause.

148 REP. NAITO: So the stop and frisk is limited to weapons?

150 REP. PROZANSKI: That is correct.

152 REP. JOHNSTON: We already have guidelines on stop and frisk and they are referred to in the bill, ORS 131.605. I think it is reasonable to extend it to these people.

155 REP. PROZANSKI: Discusses implementing policy procedures and concerns the city of Eugene expressed as to the concerns as to safety for the security officers.

166 REP. BROWN: I'm not sure why campus security police should have this special authority. One of the comparisons is security officer's at the mall, do they have this authority and will they be back here next session asking for this authority?

172 REP. PROZANSKI: Security guards do not have that authority. I think that's something we as a body will have to decide as to how far we are going to broaden this out.

179 REP. NAITO: The training will be the crucial element here and it's our responsibility then as a public body to make sure that training is done correctly and that there use of this is appropriate.

184 REP. PROZANSKI: They are required to go through BPSST training and they will modify the training to deal with the different levels of encounter's and stops and potential safety.

190 MOTION: REP. COURTNEY: Moves conceptual amendment to SB 504 that the Department of Education report back to the 1997 legislative session.

192 REP. PROZANSKI: Explains conceptual amendment.

198 CHAIR PARKS: The motion CARRIES.

209 MOTION: REP. COURTNEY: Moves SB 504 A as conceptually amended to the Floor with a do pass recommendation.

212 VOTE: In a roll call vote REPS. CARPENTER, COURTNEY, GRISHAM, JOHNSTON, LEWIS, NAITO, PROZANSKI, QUTUB, TIERNAN and PARKS vote AYE. REP. BROWN votes NAY. REP. TARNO is EXCUSED.

220 CHAIR PARKS: The motion CARRIES.

222 REP. COURTNEY will lead discussion on the Floor.

CLOSES the WORK SESSION on SB 504 A
OPENS the WORK SESSION on SB 736

228 REP. TIERNAN: Looking at my packet on SB 343, were these amendments adopted?

230 CHAIR PARKS: No, there was some discussion and I set it over until Friday.

231 REP. BROWN: I'm only moving section 7.

233 REP. TIERNAN: Informed consent for under 18 to purchase arousal?

239 MOTION: REP. BROWN: Moves HB 736 to the Floor with do pass

recommendation.

243 VOTE: In a roll call vote all members present vote AYE. REP. TARNO
is EXCUSED.

250 CHAIR PARKS: The motion CARRIES.

REP. NORRIS will lead discussion on the Floor.

253 CHAIR PARKS: With nothing further the meeting is adjourned.

Submitted by, Reviewed by,

Janet Ellingsworth Debra Johnson
Committee Clerk Committee Coordinator

EXHIBIT SUMMARY:

A - Committee Rules - Chair Parks - 4 pages
B - Proposed amendments to HB 2585 - Staff - 1 page
C - Proposed amendments to SB 213 A - Staff - 1 page
D - Proposed amendments to SB 213 A - Staff - 1 page
E - Proposed amendments to SB 213 A - Staff - 1 page
F - Proposed amendments to SB 218 A - Staff - 2 pages
G - Proposed amendments to SB 343 - Rep. Brown - 4 pages
H - Proposed amendments to SB 343 - Staff - 1 page
I - Proposed amendments to SB 373 - Staff - 1 page
J - Proposed amendments to SB 424 - Staff - 1 page
K - Proposed amendments to SB 429 A - Staff - 1 page